

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD M. ISH,

Petitioner,

v.

KURT JONES,

Respondent.

CASE NO. 2:05-CV-72972

HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER DENYING THE MOTION TO AMEND JUDGMENT

On May 21, 2008, this Court issued an opinion and order denying Petitioner's application for habeas relief brought pursuant to 28 U.S.C. § 2254. This Court also denied Petitioner a certificate of appealability but granted him leave to appeal *in forma pauperis*. Petitioner has now filed a motion to amend judgment, pursuant to Fed. R. Civ. P. 59(e). For the reasons stated below, the motion to amend judgment is denied.

A motion to alter or amend judgment brought by a habeas petitioner pursuant to Rule 59 (e) may properly be analyzed as a motion for reconsideration pursuant to Local Rule 7.1 of the Eastern District of Michigan. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999).

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Michigan Regional Council of Carpenters v. Holcroft L.L.C.* 195 F. Supp. 2d

908, 911 (E.D. Mich. 2002)(*citing to* U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (g)(3)). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Id.*

In the present case, Petitioner merely advances the same arguments that he raised in his initial petition. Petitioner's request for reconsideration will therefore be denied, because Petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied Petitioner's application for writ of habeas corpus and denied him a certificate of appealability. *See Hence*, 49 F. Supp. 2d at 553.

ORDER

IT IS ORDERED that the Motion to Amend Judgment [Court Dkt. Entry # 20] is **DENIED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 17, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on June 17, 2008.

s/Carol A. Pinegar

Deputy Clerk